

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joel QUINTERO-Barraza,
Aka: Jorge ANDELAS-Edesa

Defendant

Magistrate Docket No. 08 MJ 0015 1

COMPLAINT FOR VIOLATION OF:

BY:


DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

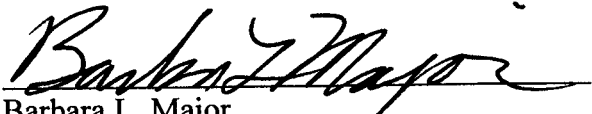
The undersigned complainant, being duly sworn, states:

On or about **January 26, 2008** within the Southern District of California, defendant, **Joel QUINTERO-Barraza (Aka: Jorge ANDELAS-Edesa)**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JANUARY
2008


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

C

CONTINUATION OF COMPLAINT:**Joel QUINTERO-Barraza****Aka: Jorge ANDELAS-Edesa****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On January 26, 2008, at approximately 12:20 A.M., Border Patrol Agent J. Nesbit was performing line watch operations in the Imperial Beach, California area of operations, near an area known as "Cactus Road." This area is approximately 3.5 miles east of the San Ysidro, California Port of Entry and approximately 50 yards north of the United States/Mexico International Boundary Fence.

Remote Video Surveillance System (RVSS) advised Agent Nesbit via agency radio of three individuals heading north from the area. Agent Nesbit responded to the reported location and searched the area. Agent Nesbit observed three individuals, including one later identified as the defendant **Joel QUINTERO-Barraza**, lying in the brush while searching the area. The individuals were sweating and appeared to be concealing themselves in the brush. Agent Nesbit identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. Each of the individuals including the defendant freely admitted that they are citizens and nationals of Mexico illegally present in the United States and they possessed no immigration documentation permitting them to enter or remain in the United States legally. At approximately 12:31 A.M Agent Nesbit arrested the individuals including the defendant and subsequently had them transported to the Imperial Beach Border Patrol Station for processing.

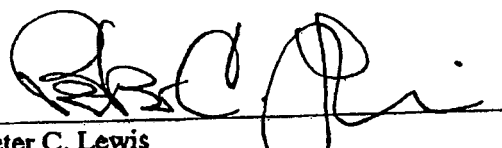
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 6, 2005 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he had not applied for permission to re-enter the United States following his deportation.

Executed on January 27, 2008 at 10:00 a.m.


 Carlos R. Chavez
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 26, 2008 in violation of Title 8, United States Code, Section 1326.


 Peter C. Lewis
 United States Magistrate Judge

~~1-26~~ 1-27-08 @ 10:37 a.m.
 Date/Time